UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

FILED
OCT 11 2006

CLERK

****

FERRIS JOSEPH,	*	CIV 06-4143
Plaintiff,	*	
vs.	*	ORDER FOR FORM 35 REPORT AND SCHEDULING INFORMATION
CORPORATION OF THE PRESIDENT CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, a Utah Corporation sole; and CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF LATTER-DAY SAINTS, a Utah Corporation sole,	*	
Defendants.	*	

****

Pursuant to the terms of Fed. R. Civ. P. 26(f), within thirty days following the appearance of a Defendant, or within sixty days after the Complaint has been served on a Defendant, the parties shall meet to discuss the nature and basis of their claims and defenses and the possibilities for a prompt settlement or resolution of the case, to make or arrange for the disclosures required by subdivision (a)(1), and to develop a proposed discovery plan. Counsel shall hold their Rule 26(f) meeting, and shall jointly prepare and file with the Clerk of Court a complete written report of the 26(f) meeting. The written report shall be filed within thirty days of the date of this Order. The report shall comply with Form 35, Report of Parties' Planning Meeting, and shall include the following:

A. **Date and Place of the Meeting and Identification of the Parties, and their Attorneys.**

1. The date and place at which the meeting was held;

2. Name and address of the attorney or attorneys who represented each party at the meeting;

Dockets.Justia.com

3. Name of the insurance carriers and amount of liability coverage available;

B. Description of the Case

4. A brief narrative of the facts giving rise to the lawsuit, including a description of legal claims and defenses;

5. A concise statement of the jurisdictional basis of the case, giving a brief narrative description as well as statutory references number;

6. A brief statement of the material issues to be resolved;

C. Pleadings

7. A statement of whether all pleadings have been filed, and description of any amendments to the pleadings the party proposes to make including the identification of any new parties to be added (if none so state);

8. The date by which all motions which seek to amend the pleadings or add parties will be filed;

9. Whether jury trial is available under the law, and whether a jury trial has been timely demanded;

D. Discovery Plan[1]

10. Date by which all prediscovery disclosures required by Rule 26(a)(1) will be completed;

11. The number of interrogatories each party shall be permitted to serve;

12. The number of depositions each party shall be permitted to take (excluding expert witness depositions);

13. The date by which all discovery (including expert discovery) shall be completed;

14. A statement of how many, if any, expert witnesses each party anticipates calling

---

[1]If the parties are unable to agree upon a discovery plan, the report shall separately set forth each party's proposed plan.

at trial, and a brief (one or two words) description of the type of experts anticipated, e.g., medical doctor, economist, accident reconstructionist, accountant;

15. The date by which each party shall disclose the identity of expert witnesses and disclose the reports required under Rule 26(a)(2);

16. Whether the parties anticipate expert depositions;

17. The number of expert depositions each party shall be permitted to take;

18. The frequency with which discovery responses must be supplemented pursuant to Rule 26(a);

E. Dispositive Motions and Trial

19. Date by which all dispositive motions shall be filed and the hearing thereon completed;

20. Date by which the case will be ready to commence trial;

21. Estimated trial time including jury selection and instructions.

22. Do the parties agree that the jury trial as well as all other proceedings subsequent to the return of the Rule 35 Report be conducted by Magistrate Judge John E. Simko?

F. Settlement

23. The parties should fully explore the possibility of settling this case at the Rule 26(f) meeting. If the case does not settle, the parties shall be fully prepared to advise the court about the status of settlement discussions.

24. Plaintiff is directed to make a written settlement demand prior to the Rule 26(f) meeting. Defendant shall respond in writing to this demand as soon as possible.

25. If the Plaintiff is unable to make a settlement demand, Plaintiff shall be fully prepared:

    26. To explain the inability;

    27. To advise the Court what is needed to evaluate settlement; and

28. To advise the Court of the earliest date the parties can realistically evaluate settlement.

29. What reason or reasons are there that this case cannot be settled in the early stages of litigation?

30. Would an early settlement conference before Judge Simko be of assistance in reaching an early settlement? If not, why not?

Dated this 11th day of October, 2006.

BY THE COURT:

Lawrence L. Piersol
United States District Judge

ATTEST:
JOSEPH HAAS, CLERK

BY: ______________________
DEPUTY